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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 3483 of 2007

Petitioner Bhanu Ram S/o Late Shri Bhau, Aged about 55 years, R/o Village – Nisdah, Tehsil – Aarang, Dist: Raipur-(C.G.)

Versus

Respondents

1. State of Chhattisgarh Through – The Secretary Department of Revenue, D.K.S. Bhawan Raipur-C.G. Dist : Raipur – (C.G.)
2. Chairman Revenue Board, Circuit Court, Raipur, Dist : Raipur – (C.G.)
3. The Upper Collector, Raipur, Dist : Raipur- (C.G.)
4. Sub Divisional Officer, Revenue Raipur, Dist : Raipur – (C.G.)
5. Tehsildar Aarang, Dist : Raipur (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri S. K. Dadsena, counsel for the petitioner.
Shri A. S. Kachhwaha, Govt. Advocate for the State /respondents No.1, 3, 4 & 5.

ORAL ORDER
(Passed on 25th June, 2007)

(1) With the consent of learned counsel for the parties, the matter is heard finally. Learned counsel appearing for the petitioner submits that the Additional Collector, Raipur by the order dated 14.02.2005 (Annexure P-2) has dismissed the application without affording an opportunity of hearing to the petitioner. On perusal of the order dated 14.02.2005, it appears that the Additional Collector, Raipur has decided the application on the basis of the letter dated 18.03.2002 issued by the Gram Panchayat, Nishda objecting the grant of disputed land to the Trust. The Board of Revenue, Chhattisgarh Raipur in its order dated 9th October, 2006 (Annexure P-1) has not considered all the facts and dismissed the appeal filed by the petitioner against the order dated 14.02.2005.

(2) Since the order of the Collector was passed without affording proper opportunity of hearing to the petitioner, the order is not sustainable in

law, as it is trite law that no adverse order can be passed without following principles of natural justice and fair play in action.

(3) In view of that, the impugned order dated 09.10.2006 (Annexure P-1), passed by Board of Revenue, Chhattisgarh Raipur is set aside and the matter is remitted back to the Additional Collector, Raipur to consider the application of the petitioner after affording proper opportunity of hearing to the parties and after examining all the relevant documents.

(4) In view of this observation, if any, made hereinabove, shall not come in the way of decision making by the Additional Collector, Raipur in accordance with law.

(5) The writ petition is accordingly allowed.

Sd/-
Satish K. Agnihotri
Judge

Karuna